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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SWITCH COMMUNICATIONS GROUP
L.L.C., a Nevada limited liability company; and
SWITCH BUSINESS SOLUTIONS, LLC, a
Nevada limited liability company,

Plaintiffs,

vs.

DAVID MICHAEL BALLARD, an
individual; DOES 1 through 10; ROE
ENTITIES 11 through 20, inclusive,

Defendants.

CASE NO.: 2:11-cv-00285-JCM –GWF

**ORDER DENYING MOTION TO
DISMISS COMPLAINT**

Defendant's Motion to Dismiss Complaint (Docket # 40) came before this Court on October 24, 2011. Mark M. Jones, Esq. appeared on behalf of Plaintiffs and Michael Rawlins, Esq. appeared on behalf of Defendant. Since Defendant attached exhibits to his Motion to Dismiss, it is treated as a Motion for Summary Judgment. Having reviewed the motion, opposition, reply, exhibits and all other papers on file related to the Motion, and having heard

arguments of counsel, the Court finds that there are genuine issues of material fact that preclude an award of summary judgment. Accordingly, Defendant's motion is DENIED.

Dated: November 7, 2011

James C. Mahan
UNITED STATES DISTRICT COURT JUDGE

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